

AK3

Case No.: 11738.77540 (98.422)

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### PASSIVE FLOW CONTROL DEVICES FOR IMPLANTABLE PUMPS

the specification of which is attached hereto unless the following space is checked:

XX was filed on April 30, 1999 as United States Application Serial Number 09/303,004.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Priority Not Claimed</u>
1.			<input type="checkbox"/>
2.			<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

<u>Application Number</u>	<u>Filing Date</u>
1.	
2.	

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>Application Number</u>	<u>Filing Date</u>	<u>Status — patented, pending, abandoned</u>
1.		
2.		

I hereby appoint the following attorneys and agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:  
as my Attorneys.

Jon O. Nelson	Reg. No. 24566	J. Pieter van Es	Reg. No. 37746
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James V. Callahan	Reg. No. 20095	Kathleen M. Williams	Reg. No. 34380
Charles W. Shifley	Reg. No. 28042	Helen Greer	Reg. No. 36816
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Christopher J. Renk	Reg. No. 33761	Scott A. Burow	Reg. No. 42373
Marc S. Cooperman	Reg. No. 34143	William J. Klein	Reg. No. 43719
Joseph P. Krause	Reg. No. 32578	Janice V. Mitrius	Reg. No. 43808
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John P. Iwanicki	Reg. No. 34628		

and Christopher P. Moreno, Reg. No. 38566 as a registered patent agent.

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I hereby appoint the following attorneys and agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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Harold R. Patton	Reg. No. 22157
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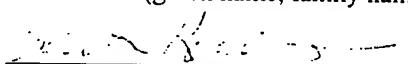
whose correspondence address is MEDTRONIC, INC., 7000 Central Avenue, NE, Minneapolis, MN 55432-3576.

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**Address all correspondence to BANNER & WITCOFF, LTD., Ten South Wacker Drive, Chicago, Illinois 60606.**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name): Charles Rogers

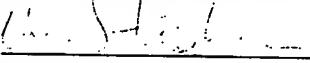
Inventor's signature:  Date: 20 June 1971

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Full name of second joint inventor, if any (given name, family name): Warren Starkebaum

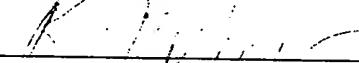
Inventor's signature:  Date: 28 June 1971

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Full name of third joint inventor, if any (given name, family name): Raymond McMullen

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